IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

WP(C).No. 35916 of 2007(A)

PETITIONER:

PARRISONS ESTATES & INDUSTRIES PVT.LTD,
REGD. OFFICE 6/1183, CHEROOTTY ROAD,
KOZHIKODE - 670 032,
REPRESENTED BY ITS DIRECTOR, MR. N.K. KHALID.

BY ADV. SRI.E.K.NANDAKUMAR
SRI.A.K.JAYASANKAR NAMBIAR
SRI.K.JOHN MATHAI
SRI.P.BENNY THOMAS
SRI.ANIL D. NAIR

RESPONDENTS:

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1. THE ASSISTANT PROVIDENT FUND
COMMISSIONER, EMPLOYEES PROVIDENT FUND ORGANISATION
SUB REGIONAL OFFICE, KOZHIKODE 673 006,
KERALA.

2. EMPLOYEES PROVIDENT FUND APPELLATE
TRIBUNAL, 9TH FLOOR, MAYUR BHAVAN
CANNAUGHT CIRCLE, NEW DELHI-1.

BY SRI.THOMAS MATHEW NELLIMOOTTIL, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C) No.35916 of 2007

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Dated this the 5th day of December, 2007

JUDGMENT

Aggrieved by Exts. P1 to P4 orders passed under Section 14B of the Employees Provident Fund & Miscellaneous Provisions Act 1952, the petitioner filed Exts. P5 to P8 appeals before the 2nd respondent-Tribunal. The petitioner's grievance in this writ petition is that even before the period prescribed in the Act for preferring appeals was over, the 1st respondent has initiated coercive proceedings for recovery of the amount demanded as per the orders impugned in the appeals. The petitioner submits that this is arbitrary and unsustainbale. The petitioner, therefore, seeks stay of coercive recovery proceedings pursuant to the orders impugned in the appeal till disposal of the appeal.

2. I have heard the learned standing counsel appearing for the organisation also. Under the Act, the petitioner has got a right to move the tribunal for stay of recovery of the amounts

covered by the orders in appeal. That being so, it is only appropriate that the 1st respondent keeps coercive recovery proceedings in abeyance till the tribunal considers and passes orders on the interim prayer of the petitioner in the appeals. In the circumstances, this writ petition is disposed of with a direction to the 2nd respondent to consider the petitioner's prayer for interim relief on Exts. P5 to P8 appeals as expeditiously as possible. Till orders are passed on the interim prayers, further coercive proceedings pursuant to Exts. P1 to P4 orders shall be kept in abeyance.

S.SIRI JAGAN,
JUDGE

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